THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18268 OF 2005

DATED: 18-09-2007

BETWEEN

Nettem Prasad,
S/o. Late V. N. Choudary,
Occ: Government Servant,
R/o.54-13/5-13-A, 3rd lane,
Srinivasa Nagar, Vijayawada,
Krishna District.

...PETITIONER

AND

The District Collector,
Guntur, Guntur District
and two others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that the petitioner along with his family members is the owner of an extent of Ac.0.99 cents of land in Sy.Nos.631 and 633 of Nallapadu Village, Guntur Mandal and District. While so, without acquiring the said land B.T. road has been laid from Turkapalem to N.H.5, therefore, petitioner seeks a Writ of Mandamus to direct the respondents to pay compensation by acquiring the said land in accordance with the provisions of the Land Acquisition Act (for short 'the Act').

2. Counter has been filed stating that the land acquisition proceedings to acquire the said land is under process and after completion of the land acquisition proceedings amount will be paid as per the award, as assured by the respondents to this Court in C.C.No.524 of 2003. It is further stated that

proposals for Draft Notification under Section 4(1) of the Act and Draft Declaration under Section 6 of the Act were submitted by the Mandal Revenue Officer to the District Collector, through the Revenue Divisional Officer,

for approval and thereupon the Revenue Divisional Officer inspected the lands proposed for acquisition on 06.09.2003. The District Collector, Guntur approved the draft notification on 31.10.2003 and section 4(1) notification has been published in Guntur District Gazette on 04.11.2003 and the same was also published in daily news papers i.e. Andhra Jyothi dated 02.12.2003 and Andhra Bhoomi dated 03.12.2003. Thereafter, the District Collector on 18.12.2003 approved the draft declaration and the same has been published in Guntur District Gazette on 03.01.2004 and the same was also published in newspapers i.e. Vartha dated 27.03.2004 and Andhra Prabha on 02.04.2004. It is also stated that in view of the urgency the enquiry under Section 5-A of the Act was dispensed invoking the urgency clause under Section 17(4) of the Act. It is stated that pre-verification proposals were submitted to the District Collector for approval and after receipt of the proposal approved by the Collector, the award will be passed duly conducting award enquiry and land compensation will be paid to the land owner.

3. As evident from the counter filed by the Revenue Divisional Officer, the notification under Section 4(1) of the Act and declaration under Section 6 of the Act have already been made and published and enquiry under Section 5-A of the Act has also been dispensed and

pre-verification proposals were also submitted after necessary personal inspection by the Revenue Divisional Officer on 02.09.2005, but there is no justification on the part of the respondents in delaying the payment of compensation under the Act.

4. Having regard to the facts and circumstances of the case,

the Land Acquisition Officer/the second respondent is directed to complete

the award enquiry as expeditiously as possible without any delay preferably within a period of 10 months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

V. ESWARAIAH, J

September 18, 2007
DSK